

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

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**SECURITIES AND EXCHANGE COMMISSION,**

Plaintiff,

v.

**MARK CUBAN,**

Defendant.

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: Civil Action No.: 3-08-CV2050-D  
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**Rule 54(d)(2)(C) Request of Plaintiff Securities and Exchange Commission**

Plaintiff Securities and Exchange Commission vigorously disputes the allegation by Mark Cuban that the Commission has acted in bad faith in pursuing its insider trading action against him. Pursuant to Rule 54(d)(2)(C), plaintiff Securities and Exchange Commission respectfully requests the opportunity to make a submission in opposition to Mark Cuban's Motion for Attorneys' Fees and Expenses. Plaintiff proposes September 30, 2009 as the date for the requested submission.

September 3, 2009,

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 3, 2009, I electronically filed the foregoing document with the Clerk of the Court for the Northern District of Texas, Dallas Division, by using the CM/ECF system which will send notification of such filing to all CM/ECF participants and counsel of record.

*s/ Kevin P. O'Rourke*

Kevin P. O'Rourke